

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT SIMON,

Plaintiff,

- against -

PLAZA HOMES, LLC, et al.,

Defendants.

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APPEARANCE:

For Plaintiff: Robert Simon, Pro Se
4 Whinston Street
Coram, NY 11727

For Defendants: No Appearance

SEYBERT, District Judge,

On January 17, 2008, this Court dismissed Plaintiff Robert Simon's Complaint with prejudice because Plaintiff failed to comply with the Court's numerous orders directing him to file an Amended Complaint. On March 6, 2007, this Court dismissed Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 8, and granted Plaintiff thirty days to file an Amended Complaint. On April 5, 2007, Plaintiff received an additional thirty days to file an Amended Complaint, and on May 24, 2007, Plaintiff received a final extension of 90 days. Because Plaintiff failed to file an Amended Complaint within 90 days, the Court found that dismissal was warranted.

Plaintiff now requests that the Court reconsider its January 17, 2008 Order dismissing Plaintiff's Complaint. Plaintiff argues that he complied with the Court's May 24, 2007 Order, and

alleges that he dropped a copy of his Complaint in the night depository box in the Clerk's office on or about August 21, 2007. Although the Court has no record of receiving this Complaint, the Court will give Plaintiff a benefit of the doubt and will give Plaintiff one final opportunity to litigate his Complaint. Plaintiff is directed to re-file the Amended Complaint that Plaintiff claims to have filed in the night depository box by September 1, 2008. Plaintiff is advised that no extensions will be granted, and that a failure to file an Amended Complaint by September 1, 2008 will result in the Court reinstating its Order dismissing Plaintiff's Complaint with prejudice. Further, Plaintiff's Amended Complaint must correct the Rule 8 deficiencies noted in the Court's March 6, 2007 Memorandum and Order.

The Clerk of the Court is directed to mail a copy of this Order to Plaintiff via regular mail and certified mail, return receipt requested.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
July 21, 2008